



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,711	01/18/2002	Fumio Kobayashi	02023/LH	1369
1933	7590	08/31/2006	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			SHERR, CRISTINA O	
220 Fifth Avenue			ART UNIT	
16TH Floor			PAPER NUMBER	
NEW YORK, NY 10001-7708			3621	

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/052,711

Applicant(s)

KOBAYASHI, FUMIO

Examiner

Cristina Owen Sherr

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/09/04, 11/18/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to applicant's amendment filed April 24, 2006.

#### ***Election/Restrictions***

2. Claims 5-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 20, 2006. Claims 1-4 are therefore currently pending in this case.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

4. The information disclosure statement filed November 9, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
5. The information disclosure statement (IDS) submitted on November 18, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Specification***

Art Unit: 3621

6. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al (US 2002/0133412) in view of Gupta et al (US 2001/0020242).

8. Regarding claim 1 –

Oliver discloses a network service applying apparatus comprising an accepting server and memory (e.g. abs), wherein said accepting server: inputs a domain name associated with a memory area accessible via a network (e.g. par 0028); inputs and stores credit information to be used for a user who is to be assigned with said memory area specified by said domain name to receive a credit (e.g. par 0037); sends out said input credit information and acquires examination result data indicating allowance or denial of a credit using said credit information sent out when receiving said examination result data (e.g. par 0072); determines whether or not a memory area to be associated with said input domain name is to be assigned to said user based on said acquired examination result data and, when having decided to assign said memory area to said user, inputs user information for specifying said user, and generates and outputs ID

Art Unit: 3621

data for identifying said user; stores said user information into said memory (e.g. par 0079).

9. Oliver does not specifically disclose, but Gupta does, when externally receiving said ID data and a notification indicating that a right to receive a network connection service is given to a third party, generates and outputs network connection ID data for identifying said right to be given to said third party by that user who is identified by said ID data, and a password associated with said network connection ID data (e.g. par 0018).

10. It would be obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Gupta and Oliver for greater security in providing Internet service.

11. Regarding claim 2 –

Oliver discloses the network service applying apparatus according to claim 1, wherein said accepting server further charges a user who is to receive a credit using said stored credit information with a consideration of assignment of said memory area to said user and a consideration of said network connection service a right for whose reception has been given to said third party by said user, by using said credit information (e.g. par 0075).

12. Regarding claim 3-

Oliver discloses the network service applying apparatus according to claim 1, wherein said accepting server further sends out said input domain name as one to be newly used and acquires use status report data indicating whether or not said sent domain

Art Unit: 3621.

name has already been used when receiving said use status report data; and determines whether or not said input domain name as one to be newly used has already been used based on said acquired use status report data and stops inputting said credit information when having determined that said domain name has already been used (e.g. par 0100).

13. Regarding claim 4 –

Oliver discloses the network service applying apparatus according to claims 1, further comprising an authentication server, wherein said authentication server: encrypts said password generated by said accepting server and stores said password and said network connection ID data with which said password is associated in association with each other; and when externally supplied with said network connection ID data and a password via a telephone line, determines whether or not said encrypted password associated with said network connection ID data substantially matches with said externally supplied password, and grants connection to said network via said telephone line to said third party identified by said network connection ID data when there is a match (e.g. par 0303, 0304).

14. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

Art Unit: 3621

of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

**Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Dancs et al (US 6,108,789) disclose a mechanism for use with Internet service provider smart cards to roam among geographically disparate authorized network computer client devices without mediation of a central authority.

17. Sussman (US 6,836,765) discloses a system and method for secure and address verifiable electronic commerce transactions.

18. Farris et al (US 5,881,131) disclose an analysis and validation system for provisioning network related facilities.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3621

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

COS

07/07/06

*Blanca M. ...*  
PRIMARY EXAMINER